

UNITED STATES DISTRICT COURT  
for the  
Western District of North Carolina

CONTROLS SOUTHEAST, INC.

*Plaintiff*

**v.**

Civil Action No. 3:16cv230

QMAX INDUSTRIES, INC.  
THOMAS W. PERRY  
PETER E. KOBYLARZ, JR.  
HENRY P. GAINES, JR.

*Defendant*

SUMMONS IN A CIVIL ACTION

**TO:** *(Defendant's name and address)*

QMax Industries, Inc.  
10615 Texland Boulevard, Suite 400  
Charlotte, NC

**A lawsuit has been filed against you.**

**Within 21 days after service of this summons on you (not counting the day you received it) – or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12(a)(2) or (3) – or 60 days if you are named as a defendant within an asbestos litigation case - you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:**

J. Mark Wilson  
Moore & Van Allen PLLC  
100 North Tryon Street  
Suite 4700  
Charlotte, NC 28202

**If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.**



Date 5/11/2016

Frank G. Johns, Clerk  
United States District Court

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(1))*

This summon for *(name of individual and title, if any)* \_\_\_\_\_

was received by me on *(date)* \_\_\_\_\_.

- ☐ I personally served the summons on the defendant at  
*(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or
- ☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_,  
a person of suitable age and discretion who  
resides there, on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last  
known address; or
- ☐ I served the summons on *(name of individual)* \_\_\_\_\_,  
who is designated by law to accept service of process on behalf of *(name of organization)*  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or
- ☐ I returned the summons unexecuted because \_\_\_\_\_; or
- ☐ Other *(specify)*: \_\_\_\_\_  
\_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of  
\$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
Server's signature

\_\_\_\_\_  
Printed name and title